

FILED

NOV 15 2012

Division of Consumer Affairs

15. Bd of Massage & Bodywork
Therapy

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
MASSAGE AND BODYWORK
THERAPY

IN THE MATTER OF THE
CERTIFICATION OF

HUIRONG YANG

FINAL ORDER OF
DENIAL OF CERTIFICATION

AS A MASSAGE, BODYWORK AND
SOMATIC THERAPIST

This matter was opened to the Massage, Bodywork and Somatic Therapy Examining Committee (the Committee) upon receipt of information which the Board has reviewed and the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Huirong Yang applied for certification by the Massage, Bodywork and Somatic Therapy Examining Committee by means of an application dated March 23, 2011.

2. On Ms. Yang's application, she checked "no" in response to the question as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense.

3. Ms. Yang underwent a criminal history background check which indicated that Ms. Yang had been arrested on April 22, 2009 in Maryland on charges of prostitution; the charges did not lead to a conviction (nolle prosequi).

4. Ms. Yang explained that she checked "no" on her application in response to the questions about prior arrests because "my lawyer told me to do so."

5. Respondent explained that she believed she had been arrested because she was practicing massage therapy without a license.

6. Respondent submitted documentation indicating that she had been placed on probation for thirty days and paid a criminal fine in the amount of \$300.00.

CONCLUSIONS OF LAW

1. Ms. Yang's failure to disclose on her application that she had been arrested on prostitution charges in 2009, an offense which adversely to massage therapy, constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on July 13, 2012, provisionally denying Ms. Yang's application for certification. A copy of the Order was forwarded to Ms. Yang by certified and regular mail at her address of record. The Provisional Order was subject to finalization at 5:00 p.m. on the

30th business day following entry unless Ms. Yang requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Yang's request for consideration and reasons therefor.

Ms. Yang responded to the Provisional Order, maintaining that she provided inaccurate information on her application relating to her arrest history because she was unfamiliar with English, and was misinformed by the person who prepared her application. The Board of Massage and Bodywork Therapy ("the Board") has replaced the Committee as of September 4, 2012 pursuant to P.L. 2007, c.377, the "Massage and Bodywork Therapist Licensing Act." The Board considered this matter and determined that Ms. Yang had an obligation to ensure that the information she supplied to the Committee on her application was accurate, particularly information relating to an arrest involving prostitution because it relates adversely to the practice of massage and bodywork therapy in a particularly forceful manner. Therefore, the Board determined that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 15th DAY of November, 2012,

ORDERED that:

1. Ms. Yang's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, deemed as of September 4, 2012 to constitute an application for licensure as a massage and bodywork therapist, is hereby denied. Respondent may not re-apply to the Board for licensure for a minimum of six months following the filing of this order.

MASSAGE AND BODYWORK
THERAPY

By:



Deborah Overholt
Chairperson